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5 **Terry A. Dake - 009656**

6 Attorney for Trustee

7 **IN THE UNITED STATES BANKRUPTCY COURT**

8 **FOR THE DISTRICT OF ARIZONA**

9 In re:) In Chapter 7 Proceedings
)
10 GARY A. MARTINSON,)
RONNA L. MARTINSON,) Case No. 2:09-BK-33841-RJH
11)
Debtors.)
12 _____)

13 **MOTION TO APPROVE SALE OF ASSETS**

14 The trustee moves this Court for the entry of an order
15 approving a sale of assets of the estate. The trustee's motion is more
16 fully set forth in and is supported by the following Memorandum Of
17 Points And Authorities.

18 DATED June 8, 2010.

19 **TERRY A. DAKE, LTD.**

20 By /s/ TD009656
Terry A. Dake
21 11811 North Tatum Boulevard
Suite 3031
22 Phoenix, Arizona 85028-1621
Attorney for Trustee
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1. All cash currently held by the trustee.
2. All amounts due to the estate by Lohman Company, PLLC

The buyer shall have complete control over the methods and means employed to recover on any of the assets purchased. However, settlements shall require approval by this Court. The trustee may not approve the reasonableness of any proposed settlement and this Court

2 The trustee has objected to the allowance of certain exemptions. Admin. Docket No. 69. The purchaser will take over the prosecution of the objection and will be entitled to the recovery of any assets which are determined by the Court to be non-exempt.

1 shall retain jurisdiction to determine whether the proposed settlement
2 is reasonable.

3 The trustee believes that this proposed sale is reasonable and
4 in the best interest of the estate. The proposed sale provides an
5 immediate and certain return to the estate, and allows the estate the
6 potential for additional recovery without additional expense.

7 The agreed upon amount of \$250,000.00 shall be paid to the
8 trustee by the purchaser not later than ten (10) days after the entry of
9 an order approving this sale. Upon payment in full, the assets shall
10 vest in the purchaser without further order of the Court.

11 Finally, the trustee understands that certain claims under
12 Sec. 523 are being pursued by Asset Group. To the extent that there is
13 an actual or potential conflict of interest in the pursuit of those
14 claim and the potential recovery that is due to the estate under this
15 sale, the trustee expressly waives that conflict, if any.

16 **WHEREFORE**, the trustee prays for the entry of an order
17 approving a compromise with the debtor as set forth herein.

18 DATED June 8, 2010.

19 **TERRY A. DAKE, LTD.**

20
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22 Terry A. Dake
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1 APPROVED AND AGREED:

2 *Vishnu R. Juralagadda, Esq.*
3 *on behalf of*

4 **RANDY NUSSBAUM**

5 **NUSSBAUM & GILLIS, P.C.**

6 **14500 N. NORTHSIGHT**

7 **BLVD. - #116**

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12 **Attorneys for Purchaser**